IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. Nos. 3414 and 3446 OF 2001

Date: 11.11.2005

BETWEEN:

1. Kaneez Fatima and others

…. PETITIONERS

And

1. Mandal Revenue Officer, Shaikpet Mandal, Vijayanagar Colony, Hyderabad, and another.

…. RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos. 3414 and 3446 OF 2001

COMMON ORDER:

The petitioners in these two writ petitions are residents of Azizbagh Colony, Tolichowki, Hyderabad. They are in occupation of small extents of land in S.Nos.16 and 17 (part) of Shaikpet village. They allege that they purchased small extents of lands from various vendors under registered sale deeds, and were in possession of the property. According to them on 25.2.2001 the Mandal Revenue Officer (MRO) came with heavy machinery and threatened to demolish their houses, claiming that the land under occupation of all the petitioners, on which they constructed houses, is urban vacant land, which stood vested with the Government, and also possession was taken by the Government. Therefore, they sought for a direction not to demolish or dispossess them from their houses, without due process of law.

The Special Officer of Hyderabad Urban Agglomeration has filed an affidavit. According to

the counter affidavit, the land originally belonged to one Sri M.M. Khaja, who filed a declaration under Section 6 of the Urban Land (Ceiling & Regulation) Act, 1976 ('the Act' for brevity). The same was processed and the preliminary statement was issued duly notifying the declarant. As number of notices were issued to the declarants to appear before the authority, and the declarant did not appear, a final statement was issued under Section 8(4) of the Act, determining excess vacant land admeasuring 61,312 square meters. Subsequently, a notice was issued under Section 10(1) of the Act, and a declaration was made under Section 10(3) of the Act. According to the counter affidavit possession was already taken on 27.11.2000. The counter affidavit filed by the MRO is also to the same effect.

At the time of hearing of the matter, it is brought to the notice of this Court by the learned counsel for the petitioners Sri Md. Zia-Ul-Haque and Sri V.V. Prabhakar Rao that all the petitioners have made applications to the Government seeking regularization as per the instructions/guidelines in G.O.Ms.No.455, dated 29.7.2002 and they are still pending. According to the learned counsel, some of the petitioners have yet to file such applications. Therefore, instead of keeping the matters pending, these writ petitions can be disposed of.

Accordingly, the writ petitions are disposed of directing the Special Officer and competent authority to process the applications of the petitioners and submit a report to the Government for considering the question of regularization as per G.O.Ms.No.455. If any of the petitioners have not filed such applications for regularization, ten days time is given to them from the date of receipt of a copy of this order to make applications duly paying the requisite amount as per G.O.Ms.No.455. Till the applications of the petitioners are decided, there shall be status quo as on today. In case, any of the petitioners have not made applications or failed to make applications within ten days, it shall be open to the authorities to evict the petitioners. There shall be no order as to costs.

_____

(**V.V.S. RAO, J.)**

11th November, 2005

Note: Issue C.C. tomorrow

(By order) / Js.